

Environmental Insights Webinar/Introduction to the WOTUS Step II Rule: Jordan Wimpy (Mitchell Williams Law Firm) March 4th



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Jordan Wimpy of the Mitchell Williams Law Firm Little Rock office will be presenting a free one-hour Environmental Insights webinar on the United States Environmental Protection Agency and United States Corps of Engineers (collectively “Corps”) waters of the United States (“WOTUS”) Step II Rule that was released on January 23rd.

The “Navigable Waters Protection Rule” marks the culmination of the current administration’s repeal and replacement of the 2015 WOTUS rule.

The Corps had previously rescinded the Obama era revision/clarification of the definition of WOTUS.

The definition of WOTUS is arguably one of the three critical jurisdictional terms in the Clean Water Act. Its importance is magnified by the fact that it is also relevant to non-National Pollution Discharge Elimination System programs such as:

- Section 404 of the Clean Water Act Wetland Permits
- Section 311 Oil/Hazardous Substances Release Requirements
- Clean Water Act Spill Prevention Control and Countermeasure Regulations

A link to a blog post providing a brief introduction to the Navigable Waters Protection Rule can be found [here](#).

Jordan’s presentation will include a discussion of the ways the new rule reduces the scope of waters regulated under the Clean Water Act, including:

- Elimination of the “Significant Nexus” test
- Categorical Exclusion of previously regulated waters, such as ephemeral streams
- Introduction of a new concept in determining jurisdictional status, the “typical year”

The webinar will also discuss how the new rule (and the litigation that will surely challenge it) fits within the context of the prior litigation challenging both the 2015 rule and the current administration’s repeal of the 2015 rule. The presentation will conclude with a brief look at what the new rule does not change, including the Farm Bill’s major wetland conservation compliance programs and Arkansas’s definition of waters of the State.

Registration is required. Space is limited. [Click here to register](#). This webinar is approved for one (1) hour of general Continuing Legal Education (CLE) credit by the Arkansas Continuing Legal Education Board. Attendees licensed in other states are responsible for applying for credit in those states.

Jordan is a member of the Mitchell Williams Law Firm's Environmental Practice Group.